

REMARKS

In response to the restriction requirement under 35 USC 121 and 372, applicant elects claims 32-50 of Group I with traverse for the reasons set forth below.

In response to the election of species with respect to claims 45 and 66, applicant elects "an ointment constituent". All of the pending claims read on the elected species.

In response to the election of species with respect to claims 46 and 65, applicant elects "a cream". All of the pending claims read on the elected species.

In response to the election of species with respect to claim 51, applicant elects "infection". All of the pending claims read on the elected species.

Each of independent claims 32 and 51 has been amended to recite that "the particles have a mean internal porosity of at least 65%". This feature is disclosed in original claim 2, and the paragraph beginning at page 6, line 30 of the English PCT translation.

The restriction under 35 USC 121 and 372 is traversed since independent claims 32 and 51 have each been amended to recite a special feature comprising a porosity of at least 65% which constitutes a contribution over the prior

art. This porosity imparts homogeneity to the combined particles and product. More particularly, an effect of this porosity is that an equally distributed stable mixture of the particles can be achieved with carrier materials of the type typically used for the preparation of body care products or medicaments such as a base cream. Compared to a mixture with non-porous particles or metal particles that are less porous and of same size, the claimed body care product is very stable with respect to separation of the particles and the carrier material. Such a separation otherwise occurs by sedimentation or agglomeration of the particles in the carrier material.

For the foregoing reasons, the Examiner is requested to reconsider and withdraw the restriction under 35 USC 121 and 372.

If there are any fees required by this amendment, please charge the same to Deposit Account No. 16-0820, Order No. WFG-39710.

Respectfully submitted,

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